

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 09/769,392

**REMARKS**

Claims 1-3, 5-9, 11-15, and 17-22 are all the claims pending in the application. Claims 4, 10, and 16 have been canceled.

As an initial matter, the Examiner has not acknowledged Applicants' claim to foreign priority and has not indicated receipt of the certified copy of the Priority Document JP 2000-017452 filed March 21, 2001. Accordingly, Applicant respectfully requests that the Examiner acknowledge the claim to foreign priority and confirm receipt of the priority document.

**Claim Rejections Under 35 U.S.C. § 102 and §103**

Claims 1-3, 5-11, 13-17 and 20-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Martin et al. (6,363,419). Claims 6, 12, 18 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin in view of Barnowski (6,813,608).

Independent claims 1-3 have been amended to include the recitations of canceled dependent claim 4; independent claims 7-9 have been amended to include the recitations of canceled dependent claim 10; and independent claims 13-15 and 20-22 have been amended to include the recitations of canceled dependent claim 16.

***Independent Claim 1***

With respect to independent claim 1, Applicant respectfully requests that the Examiner withdraw the rejection at least because Martin does not teach all of the claim's recitations. For example, Martin does not teach the claimed system having a means for distributing first information on the specific area to a portable terminal of the customer perceived to be visiting

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the specific area and for distributing second information, differing from said first information, to portable terminals of customers not perceived to be visiting said specific area.

Martin discloses base station transmission tower that detects a user's device location within a cell (*See* Martin at Figs. 1-4 & 11:15-50) and transmits content to the user's device. *See* Martin at 7:1-50 & 11:1-50. However, Martin is silent regarding any means that distributes first information to the user with the cell (specific area) and also distributes second information to a user who is not perceived to be within the cell (specific area). That is, in Martin, when a device moves from an original cell to a next cell, the base station transmission tower of the original cell does not send second information to the device.

Although Martin discloses that idle content information that is displayed by the device is also provided to user's devices (*See* Martin at 6:1-50), this information is not distributed to users "not perceived to be visiting said specific area," but is instead distributed to customers without regard to location.

Moreover, Martin is silent regarding this idle content information being distributed based on a user's location. Accordingly, there is no motivation to modify Martin's system in this way.

For at least the reasons discussed above, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1.

***Independent Claims 2, 3, 7-9, 13-15, and 20-22***

With respect to independent claims 2, 3, 7-9, 13-15, and 20-22, Applicant respectfully requests that the Examiner withdraw the rejection at least because Martin does not teach all of the claim's recitations. For example, Martin does not teach the claimed system, method, or

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storage recording medium in which first information on the specific area is distributed to a portable terminal of the customer perceived to be visiting a specific area and second information, differing from said first information, is distributed to portable terminals of customers not perceived to be visiting said specific area. The deficiencies in Martin are discussed above with respect to independent claim 1.

***Dependent Claims 5, 11, and 17***

With respect to dependent claims 5, 11, and 17, Applicant respectfully requests that the Examiner withdraw the rejection at least because of their dependency from claims 1, 7, and 13, respectively.

***Dependent Claims 6, 12, 18, and 19***

With respect to dependent claims 6, 12, 18 and 19, Applicant respectfully requests that the Examiner withdraw the rejection at least because of their dependency from claims 1, 7, or 13 and because Barnowski, which was cited by the Examiner as showing a that the specific area is an amusement park, does not cure the deficiencies in Martin discussed above.

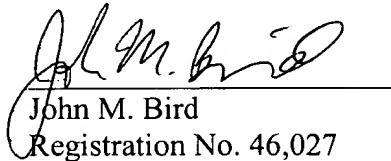
**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



John M. Bird  
Registration No. 46,027

SUGHRIE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

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